

### **REMARKS**

Claims 1, 2, 5 through 11, 13 through 16, 18 and 19 remain pending in the present application. Claim 1 has been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

#### **Rejection Under 35 U.S.C. §102(e)**

The Examiner has rejected Claims 1 and 7 under 35 U.S.C. §102(e) alleging them to be anticipated by Goyetche. The Examiner alleges that Goyetche discloses Applicant's invention.

Applicant has amended Claim 1 to further define the air circulation device to include the motor casing to have a thickness around one inch to provide a low profile motor assembly.

The Goyetche reference cited by the Examiner fails to disclose or suggest Applicant's invention. Goyetche, in Figure 1A, illustrates a can type motor. This motor neither discloses nor suggests the motor casing thickness of about one inch, as claimed by Applicant. Further, nowhere does Goyetche disclose or suggest such a thin low profile motor. Accordingly, Applicant believes Claim 1, as well as Claims 2, and 5 through 9 which depend from Claim 1 to be patentably distinct over the art cited by the Examiner.

#### **Rejection Under 35 U.S.C. §103(a)**

The Examiner has rejected Claims 5 and 6 as being unpatentable over Goyetche. As mentioned above, Goyetche fails to disclose or suggest Claim 1. Claims 5 and 6 depend from Claim 1 and, accordingly, Applicant believes the claims to overcome the Goyetche reference.

The Examiner has rejected Claims 1, 7 and 8 under 35 U.S.C. §103(a) as being unpatentable over Raab, in view of Goyetche. The Examiner alleges this combination discloses Applicant's invention. The Raab reference, cited by the Examiner, like Goyetche, discloses a can type motor. Nowhere does the Raab reference disclose or suggest a thin low profile motor as

claimed by Applicant. Accordingly, Applicant believes Claim 1, as well as Claims 3 and 5 through 9, to be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claim 2 under 35 U.S.C. §103(a) as being unpatentable over Goyetche in view of Hung. As mentioned above, the Goyetche reference fails to disclose or suggest Applicant's invention. The Hung reference fails to remedy the deficiency of the Goyetche reference. Accordingly, Applicant believes Claim 2 to be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 10 and 19, as well as 13 through 16, as being unpatentable over Raab in view of Goyetche.

The Examiner states "a base portion includes a bottom face 11 having elongated support members 19, 20 that are capable of being pivotally disposed in an extended position or a contracted position as a result of their being mounted by a pivot pin that provides a fastening means". Applicant claims in Claim 10 that the support portion is pivotally disposed about the fastening member and manually positioned in an extended position, a contracted position, or any desired intermediary position between the extended and contracted position for supporting the air circulation device in a number of different elongated support member positions. The Raab reference illustrates the members 19 and 20 being automatically pivotally moved by a spring 24 from one position to the other position as it is pulled out of its container. Nowhere does Raab remotely speak to the manual positioning of the members 19 and 20. In fact, the Raab members 19 and 20 only disclose automatic movement from one position to the other as they are removed from the box. There are no intermediate positions as claimed by Applicant. Thus, Raab and Goyetche fail to disclose or suggest Claim 10. Likewise, Claims 13 through 16 and 19, which depend from Claim 10, would be patentably distinct over this combination.

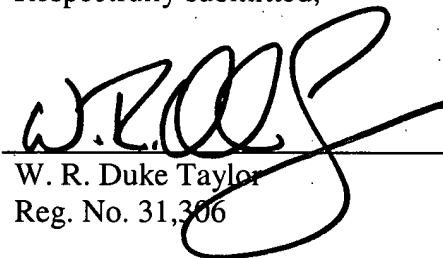
The Examiner rejects Claim 11 as being unpatentable over Raab in view of Hung. As mentioned above, Raab fails to disclose or suggest Applicant's invention. The Hung reference fails to remedy the deficiencies of the Raab reference. Accordingly, Applicant believes Claim 11 to be patentably distinct over the art cited by the Examiner.

In light of the above amendments and remarks, Applicant submits that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the case to issue at his earliest possible convenience. Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: September 2, 2004

By:

  
W. R. Duke Taylor  
Reg. No. 31,306

HARNES, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

WRDT/jp